

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, April 13, 2005
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than Noon on Wednesday, March 30, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, April 6, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than Noon on Wednesday, March 30, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: March 9, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for Terese Ghio (tentative Resolution No. R9-2005-0013) (*John Robertus*)

Consent Item: (NOTE: If there is public interest, concern or discussion regarding this item or a request for a public hearing, the item will be considered after all other agenda items have been completed.)

6. NPDES Permit Renewal: Waste Discharge Requirements for Jack and Mark Stiefel Dairy, Riverside County (tentative Order No. R9-2005-0095, NPDES Permit No. CA0109011) (*Whitney Ghoram*)

Remainder of the Agenda (Non-Consent Items):

7. Addendum to Cleanup & Abatement Order: Mission Valley Terminals (tentative Addendum No. 5 to Order No. 92-01) (*Kelly Dorsey*)
8. NPDES Permit Renewal: Waste Discharge Requirements for SeaWorld San Diego, San Diego County (tentative Order No. R9-2005-0091, NPDES Permit No. CA0107336) (*Paul Richter*)
9. NPDES Permit Renewals:
 - A. NPDES Permit Renewal: Waste Discharge Requirements for the Southern California Edison, San Onofre Nuclear Generating Station, Unit 2, San Diego County (tentative Order No. R9-2005-0005, NPDES Permit No. CA0108073) (*Hashim Navrozali*)
 - B. NPDES Permit Renewal: Waste Discharge Requirements for the Southern California Edison, San Onofre Nuclear Generating Station, Unit 3, San Diego County (tentative Order No. R9-2005-0006, NPDES Permit Nos. CA0108181) (*Hashim Navrozali*)

This item was initially heard by the Regional Board at its March 9, 2005 hearing. The Regional Board will continue its consideration of this item at its April 13, 2005 hearing.

10. INFORMATION: Report on the Southern California Coastal Water Research Project. Directors of the SCCWRP will give a presentation on their organization, explaining the unique role it plays

in providing the technical foundation for many of the Board's priority projects. Important research projects will be highlighted. (*Art Coe*)

Time Certain – 11:30 a.m.

11. Status Report: Report of Tijuana-San Diego Wastewater Coordination and facilities. Presented by Comisión Estatal de Servicios Públicos de Tijuana. (*John Robertus*)
12. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (Frank Melbourne)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (Phil Hammer)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (Paul Richter)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.
13. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
14. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
15. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

16. Arrangements for Next Meeting and Adjournment
Wednesday, May 11, 2005 - 9:00 a.m.
City of Laguna Beach
City Council Chambers
505 Forest Avenue
Laguna Beach, California

Notifications

1. Report on Settlement of Litigation: *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego*, U.S. District Court, Southern District of California, Case No. 03CV1381-B (POR). A notice of proposed settlement of NPDES enforcement was distributed to the public by mail on February 7, 2005 and published in the San Diego Union-Tribune on February 8, 2005. Two corrections need to be made in the Terms of Proposed Settlement, items B. and C. The corrections should read:

- B. \$260,000 to the **Southern California Coastal Water Research Project Authority** for the purpose of conducting a sediment toxicity source analysis water quality project in Chollas Creek **as directed by the Regional Board;**

- C. \$500,000 to **an interest bearing escrow account to fund** water quality related monitoring in San Diego Bay and Mission Bay **as directed by the Regional Board;**

2. On February 23, 2005, the Executive Officer issued Order No. R9-2005-0076, a Cleanup and Abatement Order for the Santa Fe Valley Pipeline Extension Project to Olivenhain Municipal Water District, Excel Commercial Contractors, and the Trustee of Security Title Insurance Company Trust. The Order was issued to correct an ongoing condition of inadequate sediment and erosion controls, resulting in the discharge of sediment and sediment-laden water to an unnamed tributary to the San Dieguito River. The Order requires the dischargers to initiate immediate efforts to abate the effects of the discharges of wastes, to comply with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ, and to develop and implement a restoration plan for the impacted areas in the unnamed tributary. (*Dat Quach*)

3. On March 16, 2005, the Executive Officer issued Order No. R9-2005-0103, a Cleanup and Abatement Order to Black Mountain Ranch LLC for the Black Mountain Ranch Project. The Order was issued to correct an ongoing condition of inadequate sediment and erosion controls, resulting in the discharge of sediment and sediment-laden water to an unnamed tributary to the San Dieguito River. The Order requires Black Mountain Ranch LLC to initiate immediate efforts to abate the potential effects of threatened discharges of wastes and to comply with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ, and to develop and implement a restoration plan for the impacted areas in the unnamed tributary. (*Dat Quach*)

4. On March 17, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0107 in the amount of \$262,500 to Fieldstone Communities, Inc. for alleged violations of Order No. 99-08-DWQ, "State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity." A public hearing is scheduled to take place at the May 11, 2005 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through April 26, 2005. Fieldstone Communities, Inc. has until April 8, 2005 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the May 11, 2005 Board meeting. (*Frank Melbourne*)

5. On March 17, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0108 in the amount of \$242,500 to Florida Southchase, L.P. for alleged violations of Order No. 99-08-DWQ, "State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity." A public hearing is scheduled to take place at the May 11, 2005 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through April 26, 2005. Florida Southchase, L.P. has until April 8, 2005 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the May 11, 2005 Board meeting. *(Frank Melbourne)*
6. On March 17, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0059 in the amount of \$1,260,600 to JRMC Real Estate, Inc. for alleged violations of Order No. 99-08-DWQ, "State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity." A public hearing is scheduled to take place at the June 8, 2005 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through April 27, 2005. JRMC Real Estate, Inc. has until April 8, 2005 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the June 8, 2005 Board meeting. *(Frank Melbourne)*
7. On March 17, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0097 in the amount of \$129,000 to the City of Escondido for alleged violations of Order No. 2001-01, "Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the incorporated Cities of San Diego County, and the San Diego Unified Port District." A public hearing is scheduled to take place at the June 8, 2005 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through April 27, 2005. The City of Escondido has until April 8, 2005 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the June 8, 2005 Board meeting. *(Frank Melbourne)*
8. On March 17, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0062 to Metropolitan Transit System and Development Board in the amount of \$500,000 for alleged violations of Order No. 99 08 DWQ, "State Water Resources Control Board (SWRCB) Order No. 99 08 DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated with Construction Activity." A public hearing is scheduled to take place at the May 11, 2005 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through April 27, 2005. Metropolitan Transit System and Development Board has until April 15, 2005 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the May 11, 2005 Board meeting. *(Vicente Rodriguez)*
9. Notice of Public Workshop, Hearing and Filing for a proposed amendment to the Basin Plan incorporating Total Maximum Daily Loads for Copper, Lead, and Zinc in Chollas Creek, Tributary to San Diego Bay. The Regional Board will hold a public workshop on April 28, 2005, and a public hearing on May 11, 2005. The official notice and project documents for these actions can be found on the Regional Board website at www.waterboards.ca.gov/sandiego. *(Jimmy Smith)*
10. On March 23, 2005, the Executive Officer issued Order No. R9-2005-0109, a Cleanup and Abatement Order to Brookfield Shea Otay, LLC and Shea Homes for the Otay Ranch Village 11 construction project. The Order rescinds and supersedes Cleanup and Abatement Order No. R9-2005-0032. Order No. R9-2005-0032 was rescinded due to a change in ownership. Order No. R9-2005-0109 was issued to correct an ongoing condition of inadequate sediment controls, erosion controls, and pollution prevention controls

resulting in the discharge of sediment and sediment-laden water to the municipal separate storm sewer system and subsequently Salt Creek. This Order requires Brookfield Shea Otay LLC and Shea Homes to immediately initiate efforts to abate the potential effects of threatened discharges of wastes and to immediately comply with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ. (*Ben Neill*)

11. On February 25, 2005, the Executive Officer issued Administrative Civil Liability Complaint No. R9-2005-0083 in the amount of \$42,000 to the City of San Diego (City) for alleged violations of effluent limitations for settleable solids, chlordane, and heptachlor contained in Order No. R9-2002-0025, NPDES Permit No. CA0107409, Waste Discharge and National Pollutant Discharge Elimination System Permit for the City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall, San Diego County.

A public hearing is scheduled to take place at the May 11, 2005 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through May 4, 2005. The City has until April 1, 2005 to waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the May 11, 2005 Board meeting. (*David Hanson*)

12. Corrective Action Plan Addendum for Leaking Underground Fuel Tank site Thrifty #158, 7974 University Avenue, La Mesa. On March 11, 2005, staff received an Addendum to the Corrective Action Plan (CAP) proposing 12 monthly vacuum truck extraction events. This addendum changes the remediation from the dual-phase extraction that has operated since December 2002. The dual-phase extraction is no longer effective in removing petroleum hydrocarbon vapors from the subsurface, thus necessitating an addendum to the CAP. The case files are available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the proposed Addendum to the CAP. (*Sue Pease*)

13. Corrective Action Plan Revision for Leaking Underground Fuel Tank site Budget Trade and Gas, 510 West 5th Avenue, Escondido. On March 14, 2005, staff received a Revision to the Corrective Action Plan (CAP) proposing vapor extraction from a fixed system. This revision changes the remediation from the mobile truck-mounted high-vacuum dual dual-phase extraction that operated in August and September 2004. The change to a fixed system from a mobile system due to concerns raised by the Underground Storage Tank Cleanup Fund concerning the expense of the mobile unit versus a fixed unit, thus necessitating a Revision to the CAP. The case files are available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the proposed Revision to the CAP. (*Sue Pease*)